

Amendments to the Claims

1. (Currently amended) An apparatus for moving a medical implement through a tissue, the tissue having two ~~opposing sides~~ tissue sections, the apparatus comprising:

a first tissue engaging surface being configured to hold the medical implement and to contact a first tissue section ~~of the sides of the tissue~~;

a second tissue engaging surface being movable relative to said first tissue engaging surface in order to contact a second tissue section ~~of the sides of the tissue~~ and to penetrate the medical implement into the tissue;

a magnetizable material being disposed in one of said first and second tissue engaging surfaces; and

a magnetic field generator disposed in said tissue engaging surface not containing said ~~magnetic element~~ magnetizable material and generating a magnetic field to move said ~~magnetic element~~ magnetizable material relative to said magnetic field generator, thereby driving the medical implement through the first tissue section and through the second tissue section by magnetic attraction alone.

2. (Original) The apparatus of claim 1, wherein the magnetic field generator is a permanent magnet.

3. (Original) The apparatus of claim 1, wherein the magnetic field generator is an electromagnet.

4. (Original) The apparatus of claim 3, wherein the strength of the magnetic field is varied to move the medical implement through the tissue.

5. (Previously presented) The apparatus of claim 1, wherein said magnetic field generator creates a magnetic field having a polarity and said polarity is reversible.

6. (Original) The apparatus of claim 3, wherein the magnetic field generator is positioned external to the tissue.

7. (Original) The apparatus of claim 3, wherein the magnetic field generator is selectably positionable to move the medical implement through the tissue.

8-15. (Cancelled)

16. (Withdrawn-Currently amended) The ~~medical system~~ apparatus of claim 1, wherein the medical implement is made of a bio-resorbable material.

17. (Withdrawn-Currently amended) The ~~medical system~~ apparatus of claim 1, further comprising a suture attached to the medical implement.

18. (Withdrawn-Currently amended) The ~~medical system~~ apparatus of claim 1, wherein the medical implement is a suture anchor.

19. (Currently amended) The ~~medical system~~ apparatus of claim 1, wherein the medical implement is a surgical needle.

20-23. (Cancelled)

24. (Currently amended) The ~~medical system~~ apparatus of claim 1, wherein the magnetic

field generator is positioned external to the tissue.

25. (Cancelled)

26. (Previously presented) A surgical instrument for delivery of an implant through tissue by magnetic attraction alone comprising:

a body;

a carrier located on the body for ~~removeably~~ removably securing at least a portion of the implant to the instrument;

a tip located at a distal end of the body and configured and dimensioned for insertion through the tissue; and

a magnetic element located on the body, wherein interaction between the magnetic element and a magnetic field external to the tissue ~~drives the implant through the tissue~~ creates magnetic attraction to drive the implant through the tissue.

27. (Original) The instrument of claim 26, wherein the magnetic element is part of the body.

28. (Original) The instrument of claim 26, wherein the magnetic element is attached to the body.

29. (Original) The instrument of claim 26, wherein the magnetic element is a permanent magnet.

30. (Original) The instrument of claim 26, wherein the magnetic element is an electromagnet.

31. (Original) The instrument of claim 26, wherein the magnetic element is movable to provide directional control of the instrument as it is driven through the tissue.

32. (Currently amended) The apparatus according to claim 1, wherein said magnetic field generator attracts said magnetizable material[[:]] and a biasing member tends to spread said first tissue engaging surface from said second tissue engaging surface.

33. (Currently amended) The apparatus according to claim 1, wherein[[:]] said magnetizable material creates a magnetic field[[:]] and said magnetic field generator creates a magnetic field that repels said magnetic field of said magnetizable material.

34. (Previously presented) The apparatus according to claim 33, further comprising a biasing member tending to compress said first tissue engaging surface toward said second tissue engaging surface.

35. (Currently amended) The apparatus according to claim 1, wherein said magnetic field generator attracts said ~~magnetic~~ magnetizable material to urge the medical implement into the tissue by attracting said first tissue engaging surface to said second tissue engaging surface[[:]] and includes a means for mechanically urging said first tissue engaging surface toward said second tissue engaging surface.

36. (Previously presented) The apparatus according to claim 35, further comprising a biasing member tending to spread said first tissue engaging surface from said second tissue engaging surface.

37. (Previously presented) The apparatus according to claim 1, wherein said

magnetizable material is a permanent magnet.

38. (Previously presented) The apparatus according to claim 1, wherein said magnetizable material includes iron.

39. (Previously presented) The apparatus according to claim 1, wherein said magnetizable material is an electromagnet.

40. (Currently amended) An apparatus for moving a medical implement through a tissue in a patient, the tissue having two ~~opposing sides~~ tissue sections, the apparatus comprising[[:]] :

- a first handle;
- a second handle;
- a pivot connecting said first handle to said second handle;
- a first tissue engaging surface being connected to said first handle and configured to hold the medical implement and to contact a first tissue section ~~of the sides of the tissue~~;
- a second tissue engaging surface being connected to said second handle and movable relative to said first tissue engaging surface in order to contact a second tissue section ~~of the sides of the tissue~~ and to penetrate the medical implement into the tissue;
- a magnetizable material being disposed in one of said first and second tissue engaging surfaces; and
- a magnetic field generator disposed in said tissue engaging surface not containing said ~~magnetic element~~ magnetizable material and generating a magnetic field to move said ~~magnetic element~~ magnetizable material relative to said magnetic field generator, thereby driving the medical implement through the first tissue section and through the second tissue section by magnetic attraction alone.

41. (Currently amended) The apparatus according to claim 40, wherein [[:]] said

magnetic field generator attracts said magnetizable material to penetrate the medical implement into the tissue[[:]] and said first handle and said second handle ~~spreads~~ spread said first tissue engaging surface and said second tissue engaging surface when actuated.

42. (Currently amended) The apparatus according to claim 40, wherein [[:]] said magnetic field generator repels said magnetizable material to spread said first tissue engaging surface and said second tissue engaging surface[[:]] and said first handle and said second handle compress ~~compressing~~ said first tissue engaging surface toward said second tissue engaging surface to penetrate the medical implement into the tissue when actuated.

43. (Currently amended) The apparatus according to claim 40, wherein[[:]] said magnetic field generator attracts said magnetizable material to penetrate the medical implement into the tissue; said first handle and said second handle compress ~~compressing~~ said first tissue engaging surface toward said second tissue engaging surface to penetrate the medical implement into the tissue ~~when actuated~~; and a biasing member connected to said first tissue engaging surface and said second tissue engaging surface ~~spreads~~ spread said first tissue engaging surface relative to said second tissue engaging surface.

44. (New) The apparatus of claim 1, wherein a location of said magnetic field is altered to provide directional control of the medical implement as it is driven through the tissue.

45. (New) The instrument of claim 26, wherein a location of said magnetic field is altered to provide directional control of the medical implant as it is driven through the tissue.

46. (New) The apparatus according to claim 40, wherein a location of said magnetic field is altered to provide directional control of the medical implement as it is driven through the tissue.

47. (New) The apparatus of claim 1, wherein the magnetic field generator and the magnetizable material are electromagnets.

48. (New) The apparatus of claim 47, wherein said electromagnets are selectively activatable and deactivatable to move the medical implement back and forth through the tissue.

49. (New) The apparatus according to claim 40, wherein the magnetic field generator and the magnetizable material are electromagnets.

50. (New) The apparatus according to claim 49, wherein said electromagnets are selectively activatable and deactivatable to move the medical implement back and forth through the tissue.